



May 21, 2010

Senator Dan Clodfelter
Chair, Senate Finance Committee
300 N. Salisbury Street, Room 408
Raleigh, NC 27603-5925

Dear Senator Clodfelter:

We, the undersigned private-sector companies and trade associations, urge you to **oppose SB 1209** or any other measure that would impose significant barriers to public broadband initiatives in North Carolina. Measures such as SB 1209 would harm both the public and private sectors. It would thwart public broadband initiatives, stifle economic growth, prevent the creation or retention of thousands of jobs, and diminish quality of life in North Carolina. In particular, it would hurt the private sector in several ways: by undermining public-private partnerships; by hamstringing the private sector's ability to sell goods and services in North Carolina; by interfering with workforce development; and by stifling creativity and innovation.

The United States continues to suffer through one of the most serious economic crises in decades. To address these concerns, Congress and the Obama Administration have made more than \$7 billion available to catalyze both public and private efforts to accelerate the deployment, adoption and use of broadband infrastructure and services. The Federal Communications Commission's National Broadband Plan also admonishes states not to interfere with community broadband efforts where local officials do not believe that the private sector is acting fast enough or well enough to meet the community's broadband needs. Consistent with these expressions of national policy, public entities across America, including North Carolina, are doing their share to bring affordable high-capacity broadband connectivity to all Americans. Enactment of direct or effective barriers to municipal broadband would not only be counterproductive, hurting both the public and private sectors, but it would also put North Carolina conspicuously at odds with national broadband policy.

We support strong, fair and open competition to ensure users can enjoy the widest range of choice and opportunities to access content online, which is the heart of economic development in an information-based global market. SB 1209 is a step in the wrong direction. North Carolina should be lowering barriers to public broadband initiatives rather than establishing new ones, so that we and other high technology companies can

spread and prosper across this beautiful state. Please oppose SB 1209 and other measures that would significantly impair municipal broadband deployments or public-private partnerships in North Carolina.

Sincerely,

Alcatel-Lucent, American Public Power Association, Atlantic-Engineering, the Fiber to the Home Council, Google, Intel, Telecommunications Industry Association, and Utilities Telecom Council.

cc: Governor Beverly Perdue
Secretary of Commerce J. Keith Crisco
Rep. Hugh Holliman
Rep Joe Hackney
Senator Marc Basnight
Senate Finance Committee